

Remarks

Upon entry of the present amendment, claims 24-76 will be pending. Claims 1, 13 and 17-24 have been canceled without prejudice or disclaimer. Applicants reserve the right to pursue the canceled subject matter in a subsequent continuing application. Claims 37, 42, 47, 52, 57, 58, 62, 63, 67, 68, 72 and 73 have been amended to more clearly claim the subject matter Applicants regard as the invention. Support for the amendment may be found, for example, on page 25, lines 17-22 of the instant specification. Thus, no new matter has been introduced and entry is respectfully requested.

Withdrawal of Rejections:

On page 2 of Paper No. 14, the Examiner indicated three rejections withdrawn in view of Applicants' response filed July 26, 2002 (Paper No. 13). Applicants thank the Examiner for so indicating.

Claim Rejection Under 35 U.S.C. § 112, second paragraph:

On page 2 of Paper No. 14, the Examiner rejected claims 37-75 as allegedly indefinite. As an aside, Applicants note that claim 76 is missing from the rejection and assume its omission is a typographical error.

To facilitate prosecution, Applicants have amended claims 37, 42, 47, 52, 57, 58, 62, 63, 67, 68, 72 and 73 to recite that the polypeptide fragment or variant "promotes vascularization." This amendment is supported by the disclosure on page 25, lines 17-22 and by Applicants' statements made on pages 7-8 of Applicants' response filed on July 26, 2002 (Paper No. 13). Applicants note that said amendment does not narrow the scope of the claimed invention such that any prosecution estoppel is evoked and therefore have not conceded any equivalents therein. In view of the amendment, Applicants respectfully request reconsideration and withdrawal of the rejection herein.

Allowable Claims:

On page 3 of Paper No. 14, the Examiner indicates that claims 25-36 are allowed. Applicants thank the Examiner for so indicating.

Cancellation of Claims:

On page 3 of Paper No. 14, the Examiner states that withdrawn claims 1, 13 and 17-24 must be canceled for a complete reply to the final rejection. In response, Applicants have done so.

Conclusion

Applicants respectfully request that the above-made amendment and remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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